

# State of Wisconsin



1997 Assembly Bill 275

Date of enactment: **June 10, 1998**  
Date of publication\*: **June 24, 1998**

## 1997 WISCONSIN ACT 272

**AN ACT to renumber and amend** 48.371 (3) and 938.371 (3); and **to create** 48.371 (1) (c), 48.371 (3) (b), 48.371 (3) (c), 48.371 (3) (d), 48.371 (3) (e), 146.82 (2) (a) 18., 938.371 (1) (c), 938.371 (3) (b), 938.371 (3) (c), 938.371 (3) (d) and 938.371 (3) (e) of the statutes; **relating to:** access by a child's substitute care provider to medical information concerning the child that is necessary for the care of the child, the child's religious affiliation or belief and information relating to any involvement of the child in any sexual abuse, in any criminal gang or in any other group in which any child was traumatized as a result of his or her association with that group or in any activities that are harmful to the child.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1m.** 48.371 (1) (c) of the statutes is created to read:

48.371 (1) (c) Any other medical information concerning the child that is necessary for the care of the child. The foster parent, treatment foster parent or operator of a group home or child caring institution receiving information under this paragraph shall keep the information confidential.

**SECTION 2.** 48.371 (3) of the statutes is renumbered 48.371 (3) (intro.) and amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, treatment foster home, group home or child caring institution or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, treatment foster parent or operator of the group home

or child caring institution information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2) or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any mental, of the following:

(a) Any mental, emotional, cognitive, developmental or behavioral disability of the child. The foster parent, treatment foster parent or operator of a group home or child caring institution receiving information under this subsection shall keep the information confidential.

**SECTION 3.** 48.371 (3) (b) of the statutes is created to read:

48.371 (3) (b) Any involvement of the child in any criminal gang, as defined in s. 939.22 (9), or in any other group in which any child was traumatized as a result of his or her association with that group. The foster parent, treatment foster parent or operator of a group home or child caring institution receiving information under this paragraph shall keep the information confidential.

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 4.** 48.371 (3) (c) of the statutes is created to read:

48.371 (3) (c) Any involvement of the child in any activities that are harmful to the child's physical, mental or moral well-being. The foster parent, treatment foster parent or operator of a group home or child caring institution receiving information under this paragraph shall keep the information confidential.

**SECTION 5.** 48.371 (3) (d) of the statutes is created to read:

48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02 or 948.025, prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05 or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, treatment foster home, group home or child caring institution. The foster parent, treatment foster parent or operator of a group home or child caring institution receiving information under this paragraph shall keep the information confidential.

**SECTION 6.** 48.371 (3) (e) of the statutes is created to read:

48.371 (3) (e) The religious affiliation or belief of the child.

**SECTION 7.** 146.82 (2) (a) 18. of the statutes is created to read:

146.82 (2) (a) 18. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, treatment foster home, group home, child caring institution or a secured correctional facility, including a placement under s. 48.205, 48.21, 938.205 or 938.21 or for whom placement in a foster home, treatment foster home, group home, child caring institution or secured correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c) or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c) or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c) or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4), 48.831 (4) (e), 938.355 (2e) or 938.38 regarding the child or juvenile or to an agency that placed the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent or treatment foster parent of the child or juvenile or the operator of the group home, child caring institution or secured correctional facility in

which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

**SECTION 8m.** 938.371 (1) (c) of the statutes is created to read:

938.371 (1) (c) Any other medical information concerning the juvenile that is necessary for the care of the juvenile. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correctional facility receiving information under this paragraph shall keep the information confidential.

**SECTION 9.** 938.371 (3) of the statutes is renumbered 938.371 (3) (intro.) and amended to read:

938.371 (3) (intro.) At the time of placement of a juvenile in a foster home, treatment foster home, group home, child caring institution or secured correctional facility or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall provide to the foster parent, treatment foster parent or operator of the group home, child caring institution or secured correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any ~~mental~~, of the following:

(a) Any mental, emotional, cognitive, developmental or behavioral disability of the juvenile. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correctional facility receiving information under this subsection shall keep the information confidential.

**SECTION 10.** 938.371 (3) (b) of the statutes is created to read:

938.371 (3) (b) Any involvement of the juvenile in any criminal gang, as defined in s. 939.22 (9), or in any other group in which any child was traumatized as a result of his or her association with that group. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correctional facility receiving information under this paragraph shall keep the information confidential.

**SECTION 11.** 938.371 (3) (c) of the statutes is created to read:

938.371 (3) (c) Any involvement of the juvenile in any activities that are harmful to the juvenile's physical, mental or moral well-being. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correctional facility receiving information under this paragraph shall keep the information confidential.

**SECTION 12.** 938.371 (3) (d) of the statutes is created to read:

938.371 (3) (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02 or 948.025, prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05 or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the juvenile or for the protection of any person living in the foster home, treatment foster home, group home, child caring institution or secured correctional facility. The foster parent, treatment foster parent or operator of a group home, child caring institution or secured correc-

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tional facility receiving information under this paragraph shall keep the information confidential.

**SECTION 13.** 938.371 (3) (e) of the statutes is created to read:

938.371 (3) (e) The religious affiliation or belief of the juvenile.

**SECTION 14. Initial applicability.**

(1) This act first applies to a child or juvenile who is placed in a foster home, treatment foster home, group home, child caring institution or secured correctional facility on the effective date of this subsection.